

Testimony
In Opposition to Raised Bill #5509
An Act Concerning The Payment Of Alimony And Child Support
Judiciary Committee

Testimony by Susan Schaefer

Please read my testimony in full. There are extremely important concerns and dangers with this bill that affect all voting citizens, particularly due to putting many women and children at great risk.

I represent many generations of women who have given their lives to serve their families and husbands. They had strong core family values.

Most women in similar positions to mine would be afraid to testify before you. The stakes are too high. We have wealthy husbands or ex-husbands with high profile careers. To speak up about our private home life would jeopardize their jobs and careers, very likely causing them to loose both.

If this alimony bill became law it would put many women of all demographic backgrounds in danger.

85% of domestic violence victims are women.³

3 Bureau of Justice Statistics Crime Data Brief, *Intimate Partner Violence, 1993-2001*, February 2003..

Most cases of domestic violence are never reported to the police.⁶

6 Frieze, I.H., Browne, A. (1989) Violence in Marriage. In L.E. Ohlin & M. H. Tonry (eds.) *Family Violence*. Chicago, IL: University of Chicago Press

Approximately 20% of the 1.5 million people who experience intimate partner violence annually obtain civil protection orders.¹

1 Tjaden, Patricia & Thoennes, Nancy. National Institute of Justice and the Centers of Disease Control and Prevention, "Extent, Nature and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey," (2000).

Approximately one-half of the orders obtained by women against intimate partners who physically assaulted them were violated.¹

1 Tjaden, Patricia & Thoennes, Nancy. National Institute of Justice and the Centers of Disease Control and Prevention, "Extent, Nature and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey," (2000).

The bill is extraordinarily unbalanced in favor of the spouse with more financial means, it denies the right for equality in partnership contribution, and severely hampers fairly weighing in/accessing all factors contributing to the marriage dissolution. It is Not a JUST bill. Often times the core issues for the breakdown of the marriage are the very issues this new law would reduce or eliminate from being considered at a Fair Trial where a judge hears ALL parties testify and then decides what is a JUST ruling.

The following is a quote from the article on CNNOpinion written by Wendy Murphy, a teacher at New England Law School and a past visiting scholar at Harvard Law School.

(CNN) -- "If Massachusetts' strangely arcane Alimony Reform Act were to become the law of the land, the financial well-being and security of married women could be seriously threatened.

The law dramatically changes the way judges grant alimony for non-working ex-spouses. It is written in gender-neutral terminology, but because 97% of the people who seek and require alimony are women, the effects on women will be substantially greater.

First the (oversimplified) basics: The new law decides whether alimony will be granted, if at all, based not on a wide variety of criteria -- such as the value of the non-working spouse's contributions to the marriage -- but on how many years the couple stayed married and how much money the working spouse made during the marriage. And it won't last a lifetime. If a marriage lasted 15 years, a woman will receive alimony, at most, for only 10½ years.

It's craziness. The Massachusetts legislature has effectively embraced a policy declaring that being married is roughly akin to working in state government. The more years you log, the bigger your pension, and if you make it to certain cut-off periods, you get a larger sum.

Specifically, five years of marriage or less gets the dependent spouse alimony for a period equal to 50% of the number of months the couple was married. So, if a couple stays married for two years, the dependent spouse will receive alimony for no more than 12 months. A marriage that lasts at least 15 years, but less than 20, entitles the dependent spouse to alimony for 80% of the number of months of the marriage.

(* A side note: the CT bill is even more extreme, it puts all marriages at 50%.)

If it weren't such a dangerous bill, it might be worth only a few snarky remarks about how people are not widgets, and human relationships should not be subjected to mechanical valuation systems. But this is a bill that threatens

serious consequences and will affect women in ways that transcend economic concerns."

Abuse comes in many forms, physical, psychological, emotional and financial. All are devastating.

I know of a number of women who have had their husband attack them in a fit of rage and threaten their lives. The husband's high profile position, worldwide exposure, puts her at high risk if she attempts to, or does, report such abuse. She is expected to remain silent, perform her duties at home, ensure his image is in tact and to be an exemplary executive's wife. The personal daily sacrifices made are unmeasurable and priceless. This new law would further empower men of means while jeopardizing women's safety and long term security.

There are many horror stories not on websites or with any media coverage. One woman I knew had a 1000 ft. protective restraining order after her husband tried to strangle her and threw her child by the neck against a wall. Her case needed to be handled by a judge who could review and decide, without preset limits, what was in the best interest of all parties. Another woman, the wife of a prominent psychiatrist, was strangled to near death in full view of one of their children. In each case, there were children who then needed special medical intervention and mothers who needed various forms of protection as well. They were at risk.

Women may have significantly contributed financially via previously held assets or used their own trust funds to purchase and establish a home. A judge needs to hear All testimony and be able to establish what is in the best interests of those involved as well as set the perimeters on length and amount of child support and alimony.

This new bill puts the women and children's long term personal safety and financial security in great jeopardy. If a mother is awarded custody but is unable to financially support her children, an abusive partner can petition the judge to get the children rather than the mother petition for additional assistance for their care. This bill puts children in seriously unsafe positions and leaves abusive partners a great deal of freedom to exploit truly dedicated mothers who want to protect and care for their children. This bill is extreme and unjust.

In 70-80% of intimate partner homicides, no matter which partner was killed, the man physically abused the woman before the murder.¹²

¹² Campbell, et al. (2003). "Assessing Risk Factors for Intimate Partner Homicide." *Intimate Partner Homicide*, NIJ Journal, 250, 14-19. Washington, D.C.: National Institute of Justice, U.S. Department of Justice.

Less than one-fifth of victims reporting an injury from

intimate partner violence sought medical treatment following the injury.15

15 U.S. Department of Justice, Bureau of Justice Statistics, "Intimate Partner Violence in the United States," December 2006.

The new law would escalate the concern over children at risk. Without a caring parent at home especially when there are huge life stressors going on, the risk of drugs, alcohol, teen pregnancies and gangs could become an increasingly significant societal problem. Children may need special care, and no where does this law address this. A strong loving parent's presence may prevent teen suicidal thoughts or acts. Having a loving parent at home with children creates great foundational stability even when the family unit is compromised by the other parent's illness or issues.

One day during Domestic Violence Awareness Month as my children and I drove through our town, I heard a comment from the back seat "We represent one of those ribbons around the trees."

Each year, women experience about 4.8 million intimate partner related physical assaults and rapes. (Tjaden and Thoennes 2000).

30% to 60% of perpetrators of intimate partner violence also abuse children in the household.9

9 Edelson, J.L. (1999). "The Overlap Between Child Maltreatment and Woman Battering." *Violence Against Women*. 5:134-154. 9 Edelson, J.L. (1999). "The Overlap Between Child Maltreatment and Woman Battering." *Violence Against Women*. 5:134-154.

My job for years was to care lovingly for my children and manage my home. I took pride in doing it, as many women do. I protected my husband, his career and our financial well being for years, until my ex-husband, who refused medication, was escalating to a point that police intervention resulted in his arrest. Without 7 days of trial and testimony, my children and I would have been at risk if the judge had been reduced to numbers and formulas.

I tried to make the best of an extremely difficult situation for years and provide many happy memories for my children. If all the jobs I performed over the years were quantitatively added up, my ex-husband could not have afforded even a portion of all my services...if a contributing partner's worth is reduced to number of years of service and corresponding compensation percentage due. I designed our home, oversaw every detail, managed builders and outside contractors, cared for children with significant health issues, passed out over the crib rail from staying up night after night with a child diagnosed with significant medical issues,

acted as my child's health advocate in many serious medical situations, conducted extensive research to find medical/dietary health solutions, landscaped, designed extensive garden beds, took my children to extra curricular activities, managed household purchasing, chaffered, planned/shopped/cooked special dietary meals and often 2 separate dinners a night....the list is far too long to list here along with the monetary compensations commensurate for such jobs.

My point, no amount of money can touch the value or compensate the job of a full time mother and home manager. This bill gives no heed to the extensive lifetime contributions made by a wife, mother and home manager/maker to ensure the other spouse has optimal upward mobility and therefore benefits from this dedicated service, for life. If a mother could walk away from a partnership with an equitable compensation package commensurate with her work, the payments would extend beyond the normal life span. This bill is extraordinarily unbalanced and biased in favor of one partner over the other. It is not written equitably. Every citizen in this country is due just and due process, JUSTICE FOR ALL.

My dilemma was that I could not resume a career that would fall short of being able to financially carry a household nor could I miss numerous days of work due to a child with a severe health issue, so I opted to remain in my marriage. Post divorce, one of my children was out of school 13 days in 4 months due to a medically diagnosed condition. My child has needed extensive medical care over the years. One of my children may have died if I had not been so diligent with his care. My now ex-husband traveled and had many commitments that he could not possibly have been able to maintain, as well as his job, had I not been the manager on duty 24/7.

I put off major surgery for myself to protect and care for my children. After my divorce I had the surgery with a 2 year recovery period. I was up and about immediately following the surgery. The surgeons were amazed that I had lived in such a condition for so long. A mother's will to protect and care for her children is strong! This bill would enable abusive partners to wield financial power, prolonging another form of abuse.

In an abusive marriage, the new law would force a woman to decide whether to remain in the situation until the next cut off period, while a man may choose to use the cut off date as a marker to end a marriage just prior to the next pay increase. What is safe, just, equitable would be cast aside by this new law in favor of restricting a judge from full use of their years of experience to determine Just alimony and occasionally based on testimony, life alimony. Women have horror stories too but often fear silences them

Intimate partner abuse resulted in 2,340 deaths in 2007. Of these deaths, 70% were females and 30% were males. (Bureau of Justice Statistics 2011).

Domestic violence results in physical injury, psychological trauma, and sometimes death. The consequences of domestic violence can cross generations and truly last a lifetime. (Website: National Coalition Against Domestic Violence)

A seasoned judge is going to be a much better judge of what is Just than a formula.

I have a friend who has suffered severe physical ramifications from her husband's abuse, leaving her permanently unable to be gainfully employed. To meet her you would never know. She has no paper trail, no evidence to present in a court of law to substantiate her abuse, but without testimony and a judge being able to make the ruling, how will she be awarded a fair trial and alimony or child support? She had a lucrative career before leaving it to raise their children and completely manage the home, a mutually agreed upon decision for over a decade. Her sacrifice, like many women, enabled her husband to climb the corporate ladder.

If this law went into effect, many women would be attempting to reenter the work force later in life, a stumbling block with employers, difficult in this economy and with no hope of retirement at 65 years old, perhaps no retirement for life.

This bill, if made law, would catastrophically affect many women and children.

The economic ramifications are huge. Many women will need government financial assistance or be homeless. Often, women use their alimony to supplement child support because the child support formula does not cover all the children's expenses. This bill does not address giving health and age appropriate child support to the primary caretaker, but rather further controls the way by which any monetary means of support is given. This would be dangerous and put children's daily care at risk. It also enables an abusive ex-partner to exercise financial control depending on who manages a trust. What is the point of a trust unless the financially more secure partner is neglecting to sufficiently pay alimony and child support to cover the children's needs. This bill potentially sets up the primary or sole custodial parent to be at risk of not being able to financially or physically care for her children. This bill does not address the huge fall out from such biased alimony and child support restrictions. Child support with an additional college fund or trust would benefit the child. Tragically, this bill would so strap many mother's that it is grievous to think the bill originators would feel it necessary to further complicate a mother having what she needs and deserves to care for her family therefore imposing a child trust modification order. The question arises as to why a trust, and my conclusion is because the bill is so extreme in financial bias. This bill puts many mothers at serious financial risk.

Violence against women is often accompanied by emotionally abusive and controlling behavior, and thus is part of a systematic pattern of dominance and control.

(Website: National Coalition Against Domestic Violence).

The burdensome consequences of this law and ramifications on an already overwhelmed government budget should require all taxpayers to consider the personal long term affects this law could have on everyone.

The cost to government, taxpayers and voters would exponentially increase as women with children seek government assistance while the other party goes on with their lives and perhaps starts another family. The onis for supporting a first family, a choice they committed to at the start, is abandoned for a new life, while the other party is left in a very precarious position. Child poverty could rise in this country. This bill is unjust and unbalanced.

From my research, the budget for family aid is already in the billions, which means this is a dangerous bill affecting every taxpaying citizen and voter.

No where does this alimony reform bill address how to handle the major ramifications of such a law.

This law undermines a fair trial weighing in core marriage mutually agreed upon decisions, like one spouse staying home, as well as family core values embracing one parent choosing to forfeit a professional career because the spouses concurred on wanting one of them to raise their own children at home.

The law further disregards children and a parent being able to enjoy the close relationship of one parent being the primary caretaker at home. Woman would be forced to choose between personal long term stability and the children. Sick children would be a societal concern because of financially strapped mothers.

Specialized sick daycare centers would be needed and funded by who?, where the child is categorized by illness and put in an area with children exhibiting similar illnesses and then taken care of by a stranger with gloved hands and numerous other children who are sick in need of care. Not all children could be cared for in this manner and need much more labor intensive care. I think it sounds like socialistic orphanages with parental visitation rights when it fits with their career schedules. Government run schools step into parental roles for child guidance, direction and world view. It reduces our society to be like communism, where people and parents have little legal freedom to choose except within preset government guidelines protecting the privileged minority.

This alimony reform law would rob those who may have risked their lives to care for their families and stood in the gap for years. Many women, like myself, mutually agreed with their spouse to stay at home and raise the family. We as women, represent 97% of those affected by this move for alimony reform.

Should we be treated fairly and justly as the partners we were?

It is significant that a large group of women suffer under the oppression of domestic violence. This bill does not touch this issue of great concern in respects to alimony and child support.

Should alimony be reduced to a formula, hampering critical testimony on a case by case basis, affecting women and children across the board of every demographic background, not to mention the increased burden on all taxpayers?

This law assaults a core society foundational value, valuing the family and a traditional mother's role. If passed, a select few will benefit while leaving a wake of pain behind them that will have massive long term repercussions on this nation. It is a law that would contest the core beliefs of the founding fathers of the United States and harm the stability of this nation's foundation.

I believe we are called as a nation to protect women and children!

Thousands of women have horror stories that often far outweigh ones I have read from the opposition, but the sad fact is, most of the women in my situation live in fear so they remain silent...out of desperation for there children and themselves...long term.

This bill has serious flaws and is extremely unbalanced significantly favoring one party over another. This bill is the antithesis of JUSTICE for all.

Please oppose:

Bill #5509

An Act Concerning The Payment Of Alimony And Child Support